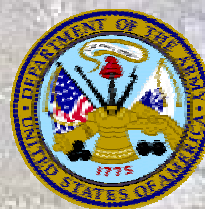


Central Region Review



U.S. Army Environmental Center Central Regional Office Kansas City, Missouri



★ DECEMBER 2002 ★

★ REGIONS 6 & 7 ★

The *CENTRAL REGION REVIEW* provides current information on significant federal and state legislative and regulatory developments in Federal Regions 6 and 7. The *REVIEW* is prepared by Versar, Inc., in support of the Central Regional Environmental Office, to assist you in your compliance efforts. Current and past issues of this *REVIEW*, as well as regional updates and alerts, are available on the Internet at <http://aec.army.mil/usaec/reo/creo00.html>. Please email CRCO.Regulatory.Specialist@nwk02.usace.army.mil or phone (816) 983-3444 if you have any questions or suggestions, or if you would like to subscribe to the *REVIEW*.

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GENERAL INFORMATION

ECAS Name Change. On 1 October 2002, the Army Environmental Compliance Assessment System (ECAS) program changed its name to Environmental Performance Assessment System (EPAS). The change in title reflects the transition to change auditing focus from environmental compliance to environmental management systems. As installations become more involved in internal auditing and identifying and correcting compliance deficiencies, the EPAS program will begin to assume a guidance/support role in identifying and providing assistance with environmental program management issues.

MDNR Promotes Environmental Management Systems. MDNR is initiating a program, the Missouri Environmental Management Partnership, to promote EMSs. The Partnership is strictly voluntary, but will hold members to generally recognized EMS conformance criteria that include commitment to regulatory compliance as well as broader environmental goals. The Partnership has three levels of participation: Partner, Certified Partner, and Advanced Partner. The Partnership offers a series of incentives to members to encourage development of an EMS. Members will have access to a single agency point of contact, called a Gatekeeper, for all issues such as permits relating to its EMS. For further information, please contact the Outreach and Assistance Center, Environmental Assistance Office, at (573) 526-6627 or (800) 361-4827.

Temporary Suspension of Hazardous Materials Sales. Due to a recent incident, DRMS has temporarily suspended hazardous materials sales while it performs a review of its business practices to ensure safety and security of its employees, its host installations, and the general public. Reutilization, transfer, donation, and return to manufacturer options for HM disposition, along with disposal on service contract will continue during the suspension, and items already on sale will continue to be processed. For further information, please contact Randy Smith, DRMS, at (616) 961-5898.

ASSISTANCE INFORMATION

USAEC Rulemaking Summary: Oil Pollution Prevention and Response; Non-Transportation-Related Onshore and Offshore Facilities. The EPA has consolidated and finalized three proposed rules (56 FR 54757, 22 October 1991; 58 FR 8824, 17 February 1993; and 62 FR 63812, 2 December 1997) regarding SPCC Plans, which are required to reduce the likelihood and impact of oil releases to navigable waters. The CWA requires SPCC Plans to specify procedures and equipment requirements for facilities. The rule will likely have impacts on most Army/DoD operations that store petroleum, oil and lubricants. Administrative burdens associated with record keeping will likely be reduced. Also, with changes to container size and quantity thresholds, some small facilities may no longer be regulated by the SPCC rule. There is a requirement to review and potentially revise existing SPCC Plans and coordinate professional engineer re-certifications of all existing Plans within the six-month required time frame of 17 February 2003. Further, the actual implementation of amended plans by 18 August 2003 may require unanticipated/unbudgeted capital improvements driven by EPA "clarified" requirements associated with secondary containment, loading/unloading racks, oil water separators and oil filled equipment. The effective date of the EPA rule was 16 August 2002. For further information, please contact Bob Shakeshaft, USAEC, at (410) 436-7069 or Robert.Shakeshaft@aec.apgea.army.mil; or contact Jim Ayers, USAEC, at (410) 436-7070 or James.Ayers@aec.apgea.army.mil; or contact Ed Bave, USACE, at (402) 697-2634 or Edwin.B.Bave@USACE.Army.mil.

MACT Hammer Update. The EPA has announced a settlement with the Sierra Club that may affect your installation if you are a major source of HAPs and there is no MACT promulgated for your processes. The date for those sources to file a Part 2 permit application has been moved forward to 15 May 2003 under this settlement. If the EPA has not promulgated a required standard before that date, then applicants will undergo case-by-case MACT determinations in state review of their applications. A list of the source categories affected by this settlement can be found at <http://www.epa.gov/ttn/atw/eparules.html>.

Superfund Records of Decision Online. The EPA has developed a new online database called "RODS," which contains full-text Superfund RODs, abstracts, amendments, and explanations of significant differences. A ROD provides the justification for the remedial action (treatment) chosen at a Superfund site. The web site is at <http://cfpub.epa.gov/superrods>.

EPA's Permit Application Software System (PASS). The first phase of the EPA's electronic NPDES application system is ready for use. PASS allows users to fill out their NPDES permit applications using an easy, electronic question and answer format. In future editions, PASS will allow users to transmit their completed applications electronically to the appropriate permitting authority for review. PASS is currently accepted in any state where the EPA is the permitting authority (including New Mexico). For more information, visit <http://www.epa.gov/npdes/PASS>.

Final Implementation Guidance for Radionuclides in Drinking Water. The EPA has posted this guidance for radionuclides in drinking water (EPA 816-F-00-002, March 2002). The guide is directed toward EPA regions and states; however, it does contain an explanation of monitoring requirements, violation determination, and data reporting. The guidance is available at http://www.epa.gov/ogwdw000/rads/final_rads_implementation_guidance.pdf. A quick reference document is available at <http://www.epa.gov/ogwdw000/rads/quickguide.pdf>.

DRMS Hazardous Materials Reutilization Searches Now Contain HMIRS MSDS Numbers. DoD customers can search the DRMS hazardous material inventory and see the actual Hazardous Material Information Resource System Material Safety Data Sheet number associated. This eliminates the previous concern where hazardous property managers could not tell from the stock number whether the property was the correct formula wanted. Providing the HMIRS serial number in the property search report will increase reuse of DRMS inventory and increase DoD pollution prevention efforts. The DRMS HM inventory available for DoD reuse search page is at http://www.drms.dla.mil/rtda/RTD_Info/Reutilization/reutilization.html. The HMIRS web site is at <http://www.dlis.dla>.

mil/hmirs/default.asp.

EPA's ECHO Web Site of Compliance Data. A new web-based tool will give the public and industry direct access to the current environmental compliance record of more than 800,000 regulated facilities nationwide. The EPA has released the pilot web site, Enforcement and Compliance History Online (ECHO), which was developed in partnership with ECOS. When final, ECHO will provide users with detailed facility reports, which include (1) federal and state compliance inspections, (2) environmental violations, (3) recent formal enforcement actions taken, and (4) demographic profile of surrounding area. The system retrieves information from federal and state data entered into a variety of EPA databases. ECHO is available at <http://www.epa.gov/echo>. Comments may be submitted to echo@epa.gov until 21 January 2003. For further information, please visit the ECHO web site, or contact Rebecca Kane, EPA, at (202) 564-5960 or kane.rebecca@epa.gov.

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REGIONAL MEETINGS

Missouri MEG Meeting. This meeting is tentatively scheduled for **early 2003** at **Fort Leonard Wood, Missouri**. For further information, please contact the Army Region 7 REC at (816) 983-3445.

Southwest Strategy Tribal Relations Workgroup Meeting. This workgroup meeting is scheduled for **29 January 2003** in **Cocopah Indian Reservation, Somerton, Arizona**. For further information, please contact Jim Mayer at (816) 983-3451.

DoD Texas Air Workgroup Meeting. This workgroup meeting is scheduled for **28-29 January 2003** in **Corpus Christi, Texas**. For further information, please contact the Army Region 6 REC at (816) 983-3450.

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TRAINING COURSES AND WORKSHOPS

EPA Environmental Response Training Program. The latest information on all ERTTP training is available at <http://www.trainex.org> (including specific locations of the training). For further information, please contact Patricia Maxwell, EPA, at Maxwell.Patricia@epamail.epa.gov.

ISR Centralized Training. ACSIM will host the ISR Centralized Training on **6-10 January 2003** in **Orlando, Florida**. The ISR assesses installation-level conditions and performance against Army-wide standards. Training is provided in ISR Infrastructure, ISR Environment, ISR Services, and Service Based Costing. Training is also provided on the ISR Command Viewer. For further information, please contact Linda Smith at (703) 692-9222 or Linda.Smith@hqda.army.mil; or contact Joe Kotch at (703) 377-0506 or Kotch_Joseph@bah.com.

Environmental Negotiation Workshop. The Naval School, Civil Engineer Corps Officers, is presenting this workshop at no cost to DoD personnel. The workshop provides instruction on the negotiating and communications skills necessary to establish productive relationships and achieve beneficial agreements with regulatory and public stakeholders. It stresses the interpersonal, organizational and public interaction aspects of negotiation in environmental decision making. This course is intended for DoD and civilian personnel involved in regulatory compliance, installation restoration, planning, natural resources and base realignment and closure who have decision making roles with regulatory agencies and the public. The course is scheduled for **7-9 January 2003** in **Honolulu, Hawaii**, and **18-20 March 2003** in **Silverdale, Washington**. For more information or to register, please visit <https://www.cecos.navy.mil>.

Installation Management Institute. Registration for the Second IMI is now open. IMI will be held **13-17 January 2003** in **Orlando, Florida**. This year there will be a track added for GIS, which will include basic hands-on courses. There also will be a collaborative planning exercise for master planners. For a schedule, course catalog and registration information, please visit <http://www.hqda.army.mil/acsimweb>. Further information also is available by contacting Bob Nichols at (703) 692-9226 or Robert.Nichols@hqda.army.mil; or by contacting Radonna Parrish at (706) 935-4925 or parrishr@bah.com.

DoD American Indian Cultural Communications Course. This course is designed to help staff at DoD facilities understand the DoD American Indian/Alaska Native Policy and how to implement it at their sites. The following topics will be covered: History of Indian Laws and the Legal Base for DoD Policy, Federal Laws and Policies Impacting DoD Relationships with Indian Tribes, Introduction to Tribal Concepts and Culture, Cross Cultural Communication, Strategies for Consulting with Tribes, and Skills for Managing Conflict. A two-minute video overview is available at <https://www.denix.osd.mil/denix/Public/Native/trainingcourse.html>. The course is scheduled for **27-30 January 2003** in **Tucson, Arizona**. For further information, please contact Dr. Donata Renfrow at (678) 357-6513 or donata@mindspring.com.

EPA UXO Course. This course will provide an overview of technical training essential to project managers involved in the investigation and cleanup of ordnance and explosives at CTT ranges, and other closed or closing ammunition sites such as ammunition depots, storage areas, and manufacturing areas. The training is intended to give technical project managers enough knowledge of OE issues to prepare for, plan and conduct an OE investigation. The Systematic Planning Process is emphasized as a model for project planning. The course is scheduled for **28-30 January 2003** in **San Francisco, California**. For further information, please contact Murray Newton, EPA, at (703) 603-8704 or Newton.Murray@epamail.epa.gov; or contact Margaret Clark, Versar, Inc., at (703) 642-6847 or clarkmar@versar.com.

DSMOA Workshop. This workshop is scheduled for **18-19 March 2003** in **Colorado Springs, Colorado** and **22-23 April 2003** in **San Antonio, Texas**. For further information, please contact John Pike at (505) 784-1092 or john.pike@ces27.cannon.af.mil.

Army Environmental Training Symposium/Workshop. The first Army Environmental Training Symposium/Workshop is scheduled for **23-28 March 2002** in **Kansas City, Missouri**. The workshop will primarily consist of numerous environmental short courses and seminars, and is intended to provide (1) awareness and training in Army environmental programs and specific environmental subject areas, (2) preparation for the new installation management business models (i.e., TIM and EMS), and (3) improved installation staff opportunities to obtain program updates and share lessons learned. The workshop will focus on installation level requirements. For further information, please contact Susan West, U.S. Army Training and Doctrine Command, at (757) 788-2279 or wests@monroe.army.mil; or contact Susan Thomas, USAEC, at (410) 436-6899 or Susan.Thomas@aec.apgea.army.mil.

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CONFERENCES AND SYMPOSIUMS

Kansas Works! 2003 Conference. Two Kansas conferences on solid waste management – Works! and HHW – have merged into one. The Works! 2003 conference on recycling, composting and household hazardous waste is scheduled for **18-20 March 2003** in **Winfield, Kansas**. The conference will include opportunities to learn about source reduction, recycling, composting, and household hazardous waste. For more information, please contact Rob Bradford at (800) 282-9790 or (785) 296-1600.

National Pollution Prevention Roundtable Spring Conference. The P2 Roundtable will bring together the most preeminent pollution prevention practitioners and experts to share the latest in policy, regulatory and technical information. The meeting will feature special tracks on EMSs and P2, international sustainability policy discussions as a follow-up to the World Summit, and P2's role in addressing global climate change challenges. The conference is scheduled for **4-11 April 2003** in **Louisville, Kentucky**. For further information, please visit <http://www.p2.org/events/spring2003>.

NDIA's 29th Environmental and Energy Symposium and Exhibition. Sponsored by the Environment and Energy Division and NDIA, this symposium will provide a national forum for the exchange of technical information, government policy, regulations, programs and laws, and new ideas on environmental and energy issues and areas of concern. The symposium is scheduled for **7-10 April 2003** in **Richmond, Virginia**. The symposium web site is at <http://register.ndia.org/interview/register.ndia?~Brochure~3440>. For further information, please contact Derek Jenks, NDIA, at djenks@ndia.org.

Region 7 Environmental and Safety Symposium. This symposium is scheduled for **8-9 May 2003** in **Kansas City, Missouri**.

11th Annual Global Demilitarization Symposium and Exhibition. The Joint Ordnance Commanders Group and NDIA will conduct this symposium **19-22 May 2003** in **Sparks, Nevada**. This event continues to support the DoD in efforts directed at reducing the stockpile of excess and obsolete strategic, tactical, and conventional munitions. The agenda will focus on the global challenges and successes experienced in the disposition of energetic materials. For further information, please contact Tim Becker or Dawn Harper, NDIA, at (703) 247-2573, or email tbecker@ndia.org or dharp@ndia.org.

Real World Clean Air Symposium. This tri-service and federal agency forum is scheduled for **20-22 May 2003** in **Seattle, Washington**. Topics to be covered include installation sustainability, EMSs, NAAQSs, installation air program management, pollution prevention, conformity/NEPA, legal issues, and homeland security. For further information, please visit <http://www.usasymposium.com> or call (937) 254-7950.

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FEDERAL ACTIONS

EPA FINAL RULES

Approval and Promulgation of Implementation Plans; Texas; Environmental Speed Limit Revision; and Voluntary Mobile Emission Reduction Program Commitment for the Houston/Galveston Ozone Nonattainment Area (67 FR 68941; 14 November 2002). The EPA is approving, through parallel processing, revisions to the Texas Ozone attainment demonstration SIP. This approval covers two separate actions. First, the EPA is approving a revision to the SIP that would suspend the 55 mph environmental speed limit for all vehicles until 1 May 2005. In the interim, the speed limits would be increased from the current 55 mph speed limit to a level 5 mph below the speed limit that was in place prior to May 2002. The new speed limits would apply in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller counties. Second, the EPA is approving a clarification of the state enforceable commitment to remedy any shortfalls in emission reductions attributed to the Voluntary Emission Reduction Program in the Houston/Galveston nonattainment area. The effective date of this rule is 16 December 2002. For further information, please contact Peggy Wade, EPA, at (214) 665-7247 or Wade.Peggy@epa.gov.

Guidelines Establishing Test Procedures for the Analysis of Pollutants; Whole Effluent Toxicity Test Methods (67 FR 69951; 19 November 2002). The EPA is ratifying approval of several test procedures for measuring the toxicity of effluents and receiving waters. The test procedures are commonly referred to as whole effluent toxicity or WET test methods. The EPA also is withdrawing two WET test methods from the list of nationally approved biological test procedures for the analysis of pollutants. This action also revises some of the WET test methods to improve performance and increase confidence in the reliability of the results. Today's action will satisfy settlement agreement obligations designed to resolve litigation over an earlier rulemaking that originally approved WET test methods. The effective date of this rule is 19 December 2002. For further information, please contact Marion Kelly, EPA, at (202) 566-1045 or kelly.marion@epa.gov.

Approval and Promulgation of Implementation Plans; State of Missouri (67 FR 70317; 22 November 2002). The EPA is approving a revision to the Missouri SIP that pertains to a revision to the solvent metal cleaning rule applicable to the St. Louis area. This revision addresses paint spray gun cleaning solvents and emission controls. Approval of this revision will ensure consistency between the state and federally approved rules, and ensure federal enforceability of the revised state rule. This direct final rule will be effective 21 January 2003 unless the EPA receives adverse comments by 23 December 2002. For further information, please contact Wayne Kaiser, EPA, at (913) 551-7603.

Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri (67 FR 70319; 22 November 2002). The EPA is approving a revision to the Missouri SIP and Operating Permits Program. The EPA is approving a revision to the Missouri rule "Submission of Emission Data, Emission Fees, and Process Information." This revision will ensure consistency between the state and federally approved rules, and ensure federal enforceability of the state's most recent rule revision. This direct final rule will be effective 21 January 2003 unless the EPA receives adverse comments by 23 December 2002. For further information, please contact Wayne Kaiser, EPA, at (913) 551-7603.

EPA PROPOSED RULE

Federal Plan Requirements for Commercial and Industrial Solid Waste Incinerators Constructed on or Before November 30, 1999 (67 FR 70639; 25 November 2002). On 1 December 2000, the EPA adopted emission guidelines for existing commercial and industrial solid waste incineration units. Sections 111 and 129 of the Clean Air Act require states with existing CISWI units subject to the emission guidelines to submit plans to the EPA that implement and enforce the emission guidelines. If a state or tribe with existing CISWI units does not submit an approvable plan, sections 111(d) and 129 of the CAA require the EPA to develop, implement, and enforce a federal plan for CISWI units located in that state or tribal area within two years after promulgation of the emission guidelines (1 December 2002). This action proposes a federal plan to implement emission guidelines for CISWI units located in states and Indian country without effective state or tribal plans. On the effective date of an approved state or tribal plan, the federal plan would no longer apply to CISWI units covered by the state or tribal plan. The EPA will hold a public hearing if requests to speak are received by 10 December 2002. The comment period will close on 24 January 2003. For further information, please contact David Painter, EPA, at (919) 541-5515 or painter.david@epa.gov.

OTHER EPA ACTIVITY

Delegation of Authority to the States of Iowa; Kansas; Missouri; Nebraska; Lincoln-Lancaster County, Nebraska; and City of Omaha, Nebraska, for New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants; and Maximum Achievable Control Technology Sources (67 FR 70170; 21 November 2002). The states of Iowa, Kansas, Missouri, Nebraska, and the local agencies of Lincoln-Lancaster County, Nebraska, and city of Omaha, Nebraska, have submitted updated regulations for delegation of EPA authority for implementation and enforcement of NSPSs, NESHAPs, and MACT. The submissions cover new EPA standards and, in some instances, revisions to standards previously delegated. The EPA's review of the pertinent regulations shows that they contain adequate and effective procedures for the implementation and enforcement of these federal standards. This action informs the public of delegations to the above-mentioned agencies. The effective date of this rule is 23 December 2002. For further information, please contact Wayne Kaiser, EPA, at (913) 551-7603.

Routine Maintenance, Repair and Replacement Air Rule Changes. In advance of formal publication, the EPA has announced a proposed rule to change the "routine maintenance, repair and replacement" exclusion. This proposed rule has potential impact or relevance to facilities that are "major sources" under the Clean Air Act. Specifically, the EPA is proposing to revise the existing routine maintenance, repair and replacement exemption to include an annual maintenance, repair and replacement allowance and equipment replacement approach. The full text of the document is located at <http://www.epa.gov/nsr> (click on "Proposed Routine Maintenance Rule").

Rule Changes Related to the CAA's New Source Review Program. In advance of formal publication, the EPA has announced that it has finalized certain rule changes related to the NSR program. This proposed rule has potential impact or relevance to facilities that are "major sources" under the Clean Air Act. The changes include (1) plant-wide applicability limits, (2) pollution control and prevention projects, (3) clean unit provision, and (4) emissions calculation test methodology. The full text of the document is located at <http://www.epa.gov/nsr> (click on "Final NSR Improvement Rule").

Resolution of Legal Action to Enforce 0.08 ppm 8-Hour NAAQS Ozone Standard. The EPA reportedly has reached an out-of-court agreement with several environmental and health groups related to the 0.08 ppm 8-hour ozone standard. In the agreement, the EPA has agreed to formally determine, by April 2004, which areas fail to meet national standards for ozone. The proposed settlement was filed in the United States District Court for the District of Columbia. A copy of the consent agreement is posted at http://www.earthjustice.org/news/documents/Lodged_Consent_Decree.pdf.

USFWS REGULATORY ACTIVITY

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition to List the Cerulean Warbler as Threatened With Critical Habitat (67 FR 65083; 23 October 2002). The USFWS is announcing a 90-day finding on a petition to list the cerulean warbler (*Dendroica cerulea*) as threatened under the

Endangered Species Act. The USFWS finds that the petition may present substantial information indicating that listing this species may be warranted. The USFWS is initiating a status review to determine if listing the cerulean warbler is warranted. To be considered in the 12-month finding for this petition, comments and information should be submitted to the USFWS by 21 January 2003. For further information, please contact Amy Salveter, USFWS – Missouri Field Office, at (573) 876-1911, extension 113.

USAEC Comment: This action may affect Camp Robinson, Arkansas, which has documented the presence of the cerulean warbler.

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REGION 6 STATE ACTIVITY

Regulatory & Legislative Web Sites

Arkansas Department of Environmental Quality (ADEQ)	http://www.adeq.state.ar.us
Arkansas General Assembly	http://www.arkleg.state.ar.us/
Louisiana Department of Environmental Quality (LDEQ)	http://www.deq.state.la.us
Louisiana Legislature	http://www.legis.state.la.us/
New Mexico Environment Department (NMED)	http://www.nmenv.state.nm.us/
New Mexico Legislature	http://legis.state.nm.us/
Oklahoma Department of Environmental Quality (ODEQ)	http://www.deq.state.ok.us
Oklahoma Legislature	http://www.lsb.state.ok.us/
Texas Commission on Environment Quality (TCEQ)	http://www.tnrcc.state.tx.us
Texas Legislature	http://www.capitol.state.tx.us/

ARKANSAS

Legislative/Regulatory Activity

STATE OF ARKANSAS FINAL RULES

(UPDATE) **Revision of the Temperature Standard for Bayou de Loutre (Regulation 2).** The Arkansas Pollution Control and Ecology Commission has adopted a third-party proposal to revise the temperature standard for a portion of Bayou de Loutre. The petition raised the temperature standard from 86 degrees Fahrenheit to 96 degrees Fahrenheit. The area affected by the adopted proposal is one half mile above the confluence of Bayou de Loutre and Loutre Creek. The regulation became effective 28 October 2002. *For further information, please contact Doug Szenher, ADEQ, at (501) 682-0915.*

(UPDATE) **Water Quality Standards for Dismukes Branch of Big Creek and Big Creek (Regulation 2).** The Arkansas Pollution Control and Ecology Commission has adopted a regulation that changes the water quality standards listed under Regulation 2 for Dismukes Branch of Big Creek and Big Creek. Prior to the regulation, both streams were designated for domestic drinking water supply use, although neither stream was used for this purpose. The regulation (1) removes the domestic drinking water supply designation from both streams; (2) increases the current water quality standards for chlorides from 14 mg/L to 26 mg/L for Dismukes Branch and 20 mg/L for Big Creek; and (3) raises the total dissolved solids standard from 123 mg/L to 157 mg/L for Dismukes Branch and 200 mg/L for Big Creek. The rule became effective 28 October 2002. *For further information, please contact Doug Szenher, ADEQ, at (501) 682-0915.*

(UPDATE) **General Revisions to UST Rules (Regulation 12).** ADEQ has adopted updates to its Regulated Storage Tank rules to implement statutory changes adopted by the Arkansas General Assembly, as well as to incorporate federal revisions to 40 CFR Part 280. Changes to Regulation 12 include (1) revision of eligibility requirements for reimbursement of corrective action costs and third-party claims covered by the state Petroleum Storage Tank Trust Fund; (2) amendment of the PSTTF eligibility requirements; and adoption by reference of recent changes to the federal Regulated Storage Tank program; (3) a decrease in the deductible amount for PSTTF coverage from \$15,000 to \$7,500 each for corrective action costs and third-party claims; (4) inclusion of provisions which would allow injured parties the right of appeal of the director's decisions involving the PSTTF directly to the

Pollution Control and Ecology Commission; and (5) addition of bond forfeiture provisions involving licensees or contractors failing to comply with state laws and regulations. In addition, the changes include clarification of several provisions, and other changes to conform with standardized Commission regulation format. The effective date of this rule was 26 September 2002. *For further information, please contact James Shell, ADEQ, at (501) 682-0988.*

(UPDATE) **Revisions to the Air Permit Program (Regulation 26).** ADEQ has adopted revisions to the air permit system in order to update the regulations. No substantive changes were made in these sections, only revisions to make the dates current. The revisions are in sections dealing with (1) clarification of definitions; (2) statutory citations and dates referenced by the regulation; (3) standard permit requirements; (4) federally enforceable requirements; (5) emissions trading by permit regulations; (6) fee requirements; and (7) adoption of federal regulations by reference. The revisions became effective 26 September 2002. *For further information, please contact Doug Szenher, ADEQ, at (501) 682-0915.*

STATE OF ARKANSAS PROPOSED RULE

(UPDATE) **Revisions to Rule Regulating Water Operator Licensing.** ADEQ approved revisions to the regulations governing water operator licensing. The rule will (1) create mandatory training prior to sitting for an exam, (2) require that approval of the Director of the Arkansas Department of Health be obtained to take action against an operator's license, (3) modify the renewal requirements for the special purpose license, and (4) require operators to notify the Department when they change employment. The rule is awaiting executive approval and staff anticipate an effective date by January 2003. *For further information, please contact Martin Nutt, ADEQ, at (501) 661-2623.*

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LOUISIANA

Legislative/Regulatory Activity

STATE OF LOUISIANA PROPOSED RULE

(NEW) **Performance Standards for Commercial and Industrial Solid Waste Incineration Units (28 LAC 2279).** LDEQ is proposing to incorporate the following federal rules by reference: (1) performance standards for each category of existing solid waste incinerator New Source Performance Standards, 40 CFR Part 60; (2) NESHAPs, 40 CFR Part 61; (3) NESHAPs for major sources, 40 CFR Part 63; and (4) NESHAPs for area sources. A public hearing has been held and the comment period is closed. *For further information, please contact Lynn Willbanks, LDEQ, at (225) 765-0399.*

OTHER REGULATORY ACTIVITY

(NEW) **General Permit for Water Discharges Resulting From Cleanup of Petroleum USTs.** LDEQ is providing notice that a draft permit has been prepared for the re-issuance of LPDES General Permit LAG830000, addressing Discharges Resulting from Implementing Corrective Action Plans for Cleanup of Petroleum UST Systems. Coverage under this general permit shall be limited to owners of a site or operators who are implementing a corrective action plan for cleanup of petroleum UST systems at sites located throughout the state of Louisiana and which discharge into the waters of the state. Discharges covered under this permit are treated groundwater; purge water from groundwater monitoring wells; tank washwater and ballast waters; wastewater associated with the remediation of petroleum-contaminated soils and groundwater; dewatering releases associated with the excavation of petroleum-contaminated soils; and potentially contaminated storm water. LDEQ may issue general permits for certain categories of facilities or activities where individual permits are not necessary in order to adequately protect the environment or the public health. A public hearing will be held if the Department finds a significant degree of public interest. The comment period is closed. *For further information, please contact Carolyn Laney, LDEQ, at (225) 765-5157.*

(NEW) **Water Discharge Permit for Class II Sanitary Dischargers.** LDEQ has provided notice that a draft permit has been prepared for the reissuance of a draft LPDES permit LAG540000. This permit applies to dischargers of treated sanitary wastewater and/or other accepted wastewater types totaling less than 25,000 gallons per day maximum expected flow (Class II Sanitary Dischargers). Upon issuance of a final permit, the LPDES permit shall replace the previously issued LPDES permit. Facilities covered by this general permit include, but are not limited to, residential subdivisions, trailer parks, on-site residential laundry facilities, coin operated laundromats, restaurants,

schools, shopping centers, and office buildings. The comment period is closed. *For further information, please contact Carolyn Laney, LDEQ, at (225) 765-5157.*

(NEW) **2002 303(d) List of Impaired Waters.** LDEQ is drafting the 2002 Section 303(d) list of impaired waters. The comment period is closed. *For further information, please contact Albert Hindrichs, LDEQ, at (225) 765-0246.*

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NEW MEXICO

Legislative/Regulatory Activity

STATE OF NEW MEXICO FINAL RULE

(UPDATE) **Adoption of the Federal Human Health and Aquatic Life Criteria for EPA Priority Toxic Pollutants (20 NMAC 6.4).** NMED has adopted amendments to the Standards for Interstate and Intrastate Waters. The amendments incorporate federal human health and aquatic life criteria for EPA priority toxics. The changes specify numeric criteria for the toxic pollutants in water to protect human health through consumption of aquatic organisms and some additional numeric criteria for toxic pollutants in water to protect aquatic life uses. The EPA list of priority toxics includes mercury, copper, vinyl chloride, chlordane, PCBs, and other various chlorinated compounds. The amendments establish new and revised numeric criteria for the protection of the designated uses of irrigation, livestock watering and wildlife habitat. The amendments also amend segment specific criteria for total dissolved solids, sulfate and chloride in several reaches of the Pecos River and the Rio Grande. The effective date of this rule was 11 October 2002. *For further information, please contact John Montgomery, NMED, at (505) 476-3671.*

STATE OF NEW MEXICO PROPOSED RULES

(NEW) **Regulation of the Construction, Operation and Closing of Pits (19 NMAC 15.2.53 and 15.1.7).** The New Mexico Oil Conservation Commission is proposing regulations and amendments that are designed to regulate the construction, operation and closing of pits in the interest of ground and surface water and public health, safety and the environment. The rule was scheduled to be adopted at a Commission hearing on 22 November 2002; however, staff reported that a continuance would be sought at the hearing and were not sure when the rule would be rescheduled on the Commission's agenda. *For further information, please contact Florene Davidson at (505) 827-7124.*

(NEW) **Revisions to Requirements for Obtaining an Air Quality Operating Permit (20 NMAC 2.70).** NMED is proposing amendments related to the following issues: (1) Whether and how New Mexico Ambient Air Quality Standards and the National Ambient Air Quality Standards would continue to be included in operating permits as applicable requirements, (2) To what extent would modeling be required for new permit applications and renewals, and (3) In cases where modeling shows that emissions from a major source will result in ambient impacts in excess of New Mexico Ambient Air Quality Standards, what would be required in a compliance plan. Public hearings are scheduled for 13 and 14 February 2003. *For further information, please contact Rita Trujillo, NMED, at (505) 955-8024.*

(NEW) **Amendment of the Requirements for Obtaining an Air Quality Operating Permit (20 NMAC 2.70.300).** NMED is proposing amendments that will affect requirements for obtaining an air quality operating permit. Air quality operating permits are required for major sources of air pollution; that is, those sources that emit 100 tons per year or more of an air pollutant, or 10 tons per year of any one hazardous air pollutant, or 25 tons per year of any combination of hazardous air pollutants. The amendments relate to the following issues: (1) Whether and how New Mexico Ambient Air Quality Standards and the National Ambient Air Quality Standards would continue to be included in operating permits as applicable requirements, (2) To what extent would modeling be required for new permit applications and renewals, and (3) In cases where modeling shows that emissions from a major source will result in ambient impacts in excess of New Mexico Ambient Air Quality Standards, what would be required in a compliance plan. A public hearing was held 8 November 2002. *For further information, please contact Rita Trujillo, NMED, at (505) 955-8024.*

(UPDATE) **Revisions to Operating Permit Regulations (20 NMAC 2.70).** NMED has adopted revisions to the operating permit regulations. The revisions to the definition of "major source" are to make it consistent with federal regulations. The revisions were approved on 13 September 2002 and submitted to the EPA for approval. *For further information, please contact Rita Trujillo, NMED, at (505) 955-8024.*

OTHER REGULATORY ACTIVITY

(NEW) **EPA's Early Action Ozone Compact Option.** NMED's Four Corners Ozone Task Force steering committee plans to discuss the EPA's Early Action Ozone Compact option for areas that are close to exceeding the 8-hour ozone NAAQS. The task force and steering committee were formed out of citizen concern about elevated ozone levels in the Farmington area, which could affect public health. The long-term goals of the Task Force are to preserve the region's air quality and prevent the area from exceeding NAAQSs in the future. The first meeting has been held. *For further information, please contact Mary Uhl, NMED, at (505) 955-8086.*

(UPDATE) **Revisions to the Statewide Water Quality Management Plan.** NMED has proposed revisions to the statewide WQMP. The WQMP establishes a process to assure continuous planning for and implementation of pollution control measures. The WQMP contains a review of TMDL development, a list of effluent limitations for townships, wastewater management plans, and groundwater protection. A public hearing was held in November 2002. NMED will hold an additional public hearing on 16 December 2002. The comment period has closed. *For further information, please contact Glen Saums, NMED, at (505) 827-2827.*

(UPDATE) **Revisions to Air Construction Permit Rules (20 NMAC 2.72).** NMED is proposing to revise its air quality control regulations with regard to construction permits, prevention of significant deterioration, and permits for nonattainment areas, but has decided not to make any changes at this time. The Department is proposing to clarify the public notice and public participation requirements. At the hearing the Environmental Improvement Board considered two rulemaking petitions. One petition from the Industrial Working Group sought to simplify an applicant's notice requirements and consolidate all public notice and public participation in one rule. The other petition from the New Mexico Conservation Voters Alliance sought to expand the notice required in a variety of situations. Staff report that a meeting will be held to address this rule in December 2002. *For further information, please contact Rita Trujillo, NMED, at (505) 955-8024.*

(UPDATE) **Water Quality Survey of the Canadian River Watershed.** NMED is undertaking a water quality survey of the Canadian River watershed. The results will be used to determine the status of water quality within the watershed, track water quality improvements and identify impaired water bodies. The data gathered will also be used to develop a TMDL for those water bodies determined to be impaired by one or more pollutants. Staff report that collection of data is ongoing. *For further information, please contact Seva Joseph, NMED, at (505) 827-0573.*

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OKLAHOMA

Legislative/Regulatory Activity

STATE OF OKLAHOMA REGULATORY ACTIVITY

(NEW) **Attainment of the 8-Hour Ozone Standard in Oklahoma.** ODEQ will host an informational workshop to provide information to the public and to receive stakeholder input on the development of a modeling protocol and subsequent early SIP submittal to address attainment of the 8-hour ozone standard in Oklahoma. The early SIP submittal would be the result of a local Early Action Compact. The Early Action Compact concept allows an area to defer on official designation of non-attainment for ozone if an early approvable SIP is submitted. An informational workshop was held in November 2002. *For further information, please contact Leon Ashford, ODEQ, at (405) 702-4173.*

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TEXAS

Legislative/Regulatory Activity

STATE OF TEXAS FINAL RULE

(UPDATE) **Increase of Air-Related Fees (30 TAC 101, 106, 116).** TCEQ adopted an increase to air-related fees. The increase affects the following fees: (1) air emissions fees; (2) air inspection fees; (3) air permit application fees, including renewals and amendments; and (4) Prevention of Significant Deterioration permit fees. The Commission also adopted a fee for permit by rule registrations of \$100 for small businesses and \$450 for all other

entities. The effective date of the rule was 20 October 2002. *For further information, please contact Debi Dyer, TCEQ, at (512) 239-3972.*

STATE OF TEXAS PROPOSED RULES

(NEW) **Protection of Groundwater (16 TAC 3.8; Rule 8).** The Texas Railroad Commission is proposing to strengthen requirements for prevention of pollution of surface and subsurface waters. The new rules relate to Prohibited Waste Management Methods; Prohibited Pits; Authorized Disposal Methods for Certain Wastes; Authorized Pits; General Standards for Permit Issuance; Siting Standards for Permitted Pits and Landfarms; Construction Standards for Permitted Pits and Landfarms; Operating Standards for Permitted Pits and Landfarms; Closure Standards for Permitted Pits and Landfarms; Documentation of Compliance; Information Required for Permit Application for a Noncommercial Facility; Additional Information Required for Permit Application for a Commercial Facility; Notice, Protests, and Hearings; Applicability; Reporting of Surface Water Pollution; Corrective Action; Suspension of Production; Oil and Gas Waste Haulers; Waste Tracking and Recordkeeping; Alternatives; Emergency Permits; Minor Permits; Responsibility for Waste Management; Modification, Suspension, and Termination of Permits; Penalties; Applicability; Specific Policies; Consistency Determinations; Thresholds for Referral; and Cleanup by the Commission. The comment period is closed. Staff report that they are awaiting the appointment of a new Commissioner and the commencement of the 2003 legislative session before proceeding with additional rule making activities. *For further information, please contact Steve Seni, Texas Railroad Commission, at (512) 463-3269.*

(NEW) **Authorization of Discharge of Storm Water and Certain Non-Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (30 TAC 26.040).** TCEQ is proposing to issue a general permit (Proposed General Permit No. TXR040000) covering eligible storm water, and certain types of non-storm water, discharges to surface water in the state. The proposed general permit covers the entire state of Texas. Discharges to surface water in the state are conditionally authorized by the proposed general permit under §26.040 of the Texas Water Code. Where permit requirements and storm water management plans are properly implemented, no significant degradation is anticipated. TCEQ has prepared a draft general permit that provides requirements for regulated small Municipal Separate Storm Sewer System operators for the development, implementation, and maintenance of a Storm Water Management Program. Discharges by small MS4s of storm water, and certain types of non-storm water, are eligible for authorization under the proposed general permit only if the small MS4 is located within an urbanized area, as defined by the US. Bureau of Census for the 1990 or 2000 Decennial Census. MS4s designated by TCEQ as requiring authorization may also be permitted under the proposed general permit. Non-storm water discharges that are not specifically listed in the general permit are not authorized by the general permit. Public hearings have been held, and the comment period is closed. Staff anticipate an effective date of 4 January 2003. *For further information, please contact Debi Dyer, TCEQ, at (512) 239-3972.*

(NEW) **Authorizing the Discharge of Storm Water and Certain Non-Storm Water Discharges from Construction Sites (30 TAC 26.040).** TCEQ is proposing to issue a general permit (Proposed General Permit No. TXR150000) covering eligible storm water, and certain types of non-storm water, discharges to surface water in the state. The proposed general permit covers the entire state of Texas. Discharges to surface water in the state are conditionally authorized by the proposed general permit under §26.040 of the Texas Water Code. Where permit requirements and storm water pollution prevention plans are properly implemented, no significant degradation is anticipated. TCEQ has prepared a draft general permit that provides requirements for operators of small and large construction sites for the development, implementation, and maintenance of a Storm Water Pollution Prevention Plan. Discharges by construction sites of storm water, and certain types of non-storm water, are eligible for authorization under the proposed general permit only if the construction project disturbs 1 or more acres of land, or is part of a greater plan of development or sale if the larger common plan will ultimately disturb 1 or more acres of land. Non-storm water discharges that are not specifically listed in the general permit are not authorized by the general permit. A public hearing has been held and the comment period is closed. Staff anticipate an effective date of 18 December 2002. *For further information, please contact Debi Dyer, TCEQ, at (512) 239-3972.*

(NEW) **Revisions to Chapter 37 to Correct Typographical Errors, Clarify Current Requirements, and Incorporate Exemptions (30 TAC 37.131, 37.141, 37.151, 37.251, 37.261, 37.301, 37.311, 37.321, 37.331, 37.341, 37.351, 37.361, 37.371, 37.381, 37.551, 37.601, 37.611, 37.621, 37.631, 37.641, 37.651, 37.661, 37.671, 37.825, 37.830, 37.835, 37.840, 37.845, 37.855, 37.1001, 37.2001, 37.2003, 37.2011, 37.3001, 37.5011, 37.7021, 37.7041, 37.8061, 37.8071, and 37.9070).** TCEQ is proposing amendments to Chapter 37 as a result of the quadrennial review of this chapter. The revisions correct typographical errors, clarify current requirements, change the Commission's name, and incorporate exemptions for Class A or B petroleum-

substance contaminated soil storage, treatment, and reuse facilities, scrap tire sites, and used oil recycling facilities. The proposal amends the applicability sections for Class A or B petroleum-substance contaminated soil storage, treatment, and reuse facilities; used oil recycling facilities; and scrap tire facilities. The amendments exempt state and federal facilities conducting the above activities in the same manner the state and federal facilities are exempted from financial assurance requirements for USTs, hazardous waste, and municipal solid waste. The primary reason for this amendment is that the required financial assurance mechanisms were not created with state and federal facilities in mind and these facilities cannot obtain financial assurance as required under this chapter. Therefore, the amendments provide for consistency among all program areas by exempting state and federal facilities from all financial assurance requirements in Chapter 37. The comment period is closed. *For further information, please contact Debi Dyer, TCEQ, at (512) 239-3972.*

(NEW) Simplification of Rules to Make Facility Compliance, Program Administration, and Pollution Prevention More Attainable (30 TAC 335.471 – 335.480). TCEQ is proposing minor substantive changes and addenda to the hazardous waste rules to reflect current policy. The proposed amendments will also simplify the rules to make facility compliance, program administration, and pollution prevention more attainable. There is some confusion among conditionally exempt small quantity generators about whether Subchapter Q applies to their facilities and, also, whether some requirements under the existing rule are applicable to small quantity generators. To better address these areas and to update the requirements, the Commission is proposing to (1) improve readability and clarity by editing the reporting requirements where appropriate; (2) revise the rules to make them more current; and (3) simplify, revise, and add rules to improve compliance and program administration. Specifically, the proposed amendments will clarify that the subchapter applies to both small quantity generators and large quantity generators of hazardous waste; and those that are subject to EPCRA. The proposed amendments clarify that this subchapter does not apply to CESQGs who are not subject to EPCRA. The proposed amendments will also clarify requirements for small quantity generators who are not subject to EPCRA, so that it is easier for this group to comply with Subchapter Q. Last, the Commission proposes to add an incentive to encourage the use of an EMS by the regulated community. House Bill 2997 encourages facilities to develop an EMS and, in return, the Commission will provide certain incentives for those facilities. The Commission proposes that facilities with an EMS (approved by the executive director) be exempt from having a pollution prevention plan and annual progress report. The comment period is closed. *For further information, please contact Michael Bame, TCEQ, at (512) 239-5658.*

(UPDATE) Revision to the Underground Injection Control Regulations (30 TAC 39, 331). TCEQ is proposing revisions to the UIC regulations. The revisions would provide UIC standards and requirements for permitted and registered pre-injection units associated with Class 1 nonhazardous, noncommercial injection wells. The revisions would include a new registration process and application, processing, notice, comment, and other procedural requirements. Staff report that the revisions are scheduled to be adopted at the Commission meeting on 18 December 2002. *For further information, please contact Ray Austin, TCEQ, at (512) 239-6814.*

(UPDATE) Revisions to Air Regulations and the SIP (30 TAC 101, 115, 117). TCEQ is proposing revisions to the air regulations and the Texas SIP. The proposed SIP includes revisions to the industrial, commercial, and institutional source control requirements that are already included within the federally approved SIP for the Houston/Galveston ozone nonattainment area, and also includes the development of the energy efficiency program, the protocol for the Emissions Reduction Program through the EPA's Economic Incentive Program, and a revision to the speed limit reduction strategy. The proposed new divisions within Subchapters B and H of Chapter 115 that were originally proposed have been withdrawn. A computational error was discovered which inaccurately reflected an emission rate of 0.6 pounds per hour for all highly reactive VOCs from each flare at an account. In order to correct this inaccuracy, TCEQ is proposing to establish an emission rate of 7.4 pounds per hour for all highly reactive VOCs from each flare at an account. The proposed amendments to Chapter 117 include revisions to the industrial, commercial, and institutional source control requirements that are already included within the federally approved SIP for the Houston/Galveston ozone nonattainment area. These proposed amendments would change the maximum amount of NOx emission reductions required from certain point sources. The amendments also reorganize and modify existing portions of the Chapter 117 rules that apply to sources of NOx in the Beaumont/Port Arthur and Dallas Fort Worth ozone nonattainment areas, as well as to electric generating facilities located in Palo Pinto County and 31 attainment counties of east and central Texas, in order to improve implementation of the existing Chapter 117. Final adoption of the revisions was anticipated at TCEQ's meeting on 4 December 2002. *For further information, please contact Kelly Keel, TCEQ, at (512) 239-3607.*

OTHER REGULATORY ACTIVITY

(NEW) **October 2002 Update to Water Quality Management Plan.** TCEQ is proposing a WQMP in accordance with the requirements of the Federal Clean Water Act. The proposed WQMP update includes projected effluent limits of indicated domestic dischargers useful for water quality management planning in future permit actions. Once TCEQ certifies a WQMP update, the update is submitted to the EPA for approval. For some TPDES permits, the EPA's approval of a corresponding WQMP update is a necessary precondition to TPDES permit issuance by TCEQ. The proposed WQMP update also contains service area populations for listed wastewater treatment facilities and designated management agency information. *For further information, please contact Nancy Vignali, TCEQ, at (512) 239-1303.*

(NEW) **Quadrennial Review: Risk Reduction Program Rules (30 TAC 350).** TCEQ will undertake a quadrennial review of the Texas Risk Reduction Program. The TRRP most commonly regulates the cleanup and management of hazardous wastes and substances, referred to as chemicals of concern, which are released into the environment from regulated commercial and industrial facilities, and on the closure of waste management facility components (e.g., tanks, container storage areas, surface impoundments). No schedule has been set by staff for the review, although additional developments should occur by January 2003. *For further information, please contact Chet Clark, TCEQ, at (512) 239-2268.*

(NEW) **Indoor Air Quality Regulation.** TCEQ is discussing indoor air quality and prospective guidance documents and/or rules. The discussions are only in the very formative stages and that the TCEQ Toxicology & Risk Assessment section has not taken a position on this matter. According to staff, indoor air quality is affected by groundwater seeping under buildings and releases. Staff note that this topic is currently receiving much attention from the EPA. Staff report that infrequent discussions are ongoing, and that in the event the EPA issues guidance or rules, this matter will necessitate more immediate attention. *For further information, please contact Javier Garza, TCEQ, at (512) 239-5543.*

(NEW) **Labeling and Identification Requirements of Naturally Occurring Radioactive Material Contaminated Equipment (Rule 94).** The Texas Railroad Commission is discussing revisions to regulations concerning the labeling and identification requirements of NORM contaminated equipment. The regulation being discussed may result in additional identification requirements. Staff anticipate formally noticing the revised regulation in early 2003. *For further information, please contact Steve Seni, Texas Railroad Commission, at (512) 463-3269.*

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REGION 7 STATE ACTIVITY

Regulatory & Legislative Web Sites	
Iowa Department of Natural Resources (IDNR)	http://www.state.ia.us/dnr/
Iowa General Assembly	http://www.legis.state.ia.us/
Kansas Department of Health and Environment (KDHE)	http://www.kdhe.state.ks.us
Kansas Legislature	http://www.kslegislature.org/cgi-bin/index.cgi
Missouri Department of Natural Resources (MDNR)	http://www.dnr.state.mo.us/homednr.htm
Missouri General Assembly	http://www.moga.state.mo.us/
Nebraska Department of Environmental Quality (NDEQ)	http://www.deq.state.ne.us
Nebraska Legislature	http://www.unicam.state.ne.us/

IOWA

Legislative/Regulatory Activity

STATE OF IOWA FINAL RULE

(UPDATE) **Phase II NPDES Regulations (567 IAC Chapters 60, 64).** IDNR has adopted amendments to its stormwater regulations. These amendments implement the phase II changes in the storm water regulations recently

adopted by the EPA, which the State of Iowa is required to adopt and enforce. They include requiring smaller construction sites to be covered by a storm water permit and requiring more cities to obtain permit coverage. Amendments to chapter 60 modify the definition of storm water discharge associated with industrial activity by adding the definitions in the latest *Federal Register* notice, and by adding a definition for storm water discharge associated with small construction activity in which the amount of ground disturbance is greater than or equal to 1 acre and less than 5 acres. Also, a definition of small MS4s has been added. These amendments are identical to changes required in 40 CFR 122. These amendments to chapter 60 also add a form required for the MS4 application and two forms regarding general permit no. 5 for discharges from mining and processing facilities. Amendments to chapter 64 set the date of 10 March 2003 by which small municipalities and small construction projects must obtain permit coverage and eliminate the exemption from storm water permitting for facilities and projects owned or operated by municipalities with a population of less than 100,000 and remove the dates by which group applicants must submit a Notice of Intent. Group applications are no longer accepted by the Department. These amendments to chapter 64 also adopt by reference the amendments to the CFR published in the *Federal Register* 8 December 1999. The amendments to the CFR require the Department to adopt these changes to the storm water rules to be effective no later than 10 March 2003. Also, these amendments to chapter 64 describe which MS4s are required to obtain permit coverage and set the criteria by which permits for small construction activity may be waived. These amendments to chapter 64 also add permit fees for the small MS4s identical to those for other individual storm water permits, delete the "money back guarantee" pilot project for storm water permit authorizations which expired 30 June 2001, and delete paragraphs which amended the storm water general permits during the last 5-year general permit cycle. These amendments have been incorporated into the general permits that are now being renewed in other rulemaking activity. After the general permits have been renewed effective 1 October 2002 it will no longer be necessary for the amendments to appear in the IAC. The effective date of this rule was 20 November 2002. *For further information, please contact Wayne Gieselman, IDNR, at (515) 281-8916.*

STATE OF IOWA PROPOSED RULES

(NEW) **Amendments to Air Definitions (567 IAC 2.1).** IDNR is proposing amendments to two of its air definitions. The Department proposes to define "emissions data" and "effluent data" for purposes of confidential treatment by the Department. The comment period is closed. *For further information, please contact Anne Preziosi, IDNR, at (515) 281-8852.*

(NEW) **Amendments to Waste Tire Regulations (567 IAC 117).** IDNR is proposing an amendment to its waste tire regulations. The proposed amendment would increase to 300 feet the required separation distance between a property line, street or public right-of-way and a permitted waste tire stockpile and implement, in conjunction with the requirement that burning be prohibited within 100 yards of a tire stockpile. A public hearing has been held, and the comment period is closed. *For further information, please contact Mel Pins, IDNR, at (515) 281-8646.*

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KANSAS

Legislative/Regulatory Activity

STATE OF KANSAS PROPOSED RULE

(NEW) **Amendments to Solid Waste Regulations Concerning Landfills and Special Wastes (KAR 28-29-3, 28-29-20, 28-29-109).** KDHE is proposing amendments to its solid waste regulations concerning municipal solid waste landfills and special wastes. The Department is moving definitions concerning municipal solid waste landfills from KAR 28-29-101 to KAR 28-29-203, and adding several new definitions, including "active area," "licensed geologist," and "small arid landfill." The Department also is planning to propose regulations concerning restrictive covenants and easements. Specifically, the Department is amending KAR 28-29-20 to include a provision stating that the Department may require restrictive covenants for unpermitted solid waste disposal areas that have been approved for disposal without a permit. With regard to the special wastes regulation, the Department is removing those sections of the regulation referring to predetermined classes of special waste in order to simplify the regulations. A public hearing has been scheduled for 8 January 2003; comments will be accepted through that date. *For further information, please contact George McCaskill, KDHE, at (785) 296-1606.*

OTHER REGULATORY ACTIVITY

(NEW) **Notice of NEPA Hearings.** The Kansas Water Office and USACE will host three NEPA hearings in the Walnut Basin as part of a scoping process to provide land owners and the general public with information on ways to restore and protect the Walnut River Basin. Identification of environmental issues related to project alternatives will be sought. The first two hearings have been held. The third hearing is scheduled for 10 December 2002 in Winfield, Kansas. *For more information on these hearings or the Walnut Basin Ecosystem Restoration Feasibility Study, please contact Steve Hurst, Kansas Water Office, at (785) 296-3185.*

(NEW) **Triennial Review of Water Quality Standards.** KDHE will conduct public meetings to collect comments from the public pertaining to the Kansas WQSs as part of the triennial review process. The public meetings are scheduled for 17 and 19 December 2002, 7, 8, 14, 15 and 22 January 2003. KDHE has written White Papers on six issues defined by a focus group. The White Papers provide background on the issues as well as different options available to address those issues. It is anticipated that the public will review the White Paper issues and provide comments on the manner the issues can be addressed in future modifications of the Kansas WQSs. KDHE wants to make it clear the public will not be precluded from having an opportunity to comment on issues outside those addressed in the White Papers. They will have that opportunity during the public meetings. It is anticipated that modified Kansas WQSs will be proposed by September 2003. Formal public hearings will be held to accept comment on any changes once they are proposed. The White Papers are available at <http://www.kdhe.state.ks.us/water/index.html> or by calling (785) 296-5506. *For further information, please contact Amy Williams, KDHE, at (785) 296-5506.*

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MISSOURI

Legislative/Regulatory Activity

STATE OF MISSOURI FINAL RULES

(UPDATE) **Revisions to the Stage I Vapor Recover Regulations for the Kansas City Metropolitan Area (10 CSR 10-2.260).** MDNR adopted revisions to the Stage I vapor recover regulations for the Kansas City Metropolitan Area. The proposed amendment corrects errors that were found when reviewing the previously adopted amendment. Accordingly, the large tanks should have the sophisticated poppeted filling mechanisms and Stage I vapor recovery equipment rather than the simple controls used on small tanks. Also, a definition for Stage I vapor recovery has been added to Section (1), Definitions for rule clarity. The rule became effective 14 November 2002. *For further information, please contact Roger Randolph, MDNR, at (573) 751-4817.*

(UPDATE) **Regulations for Air Pollution Control in the St. Louis Metropolitan Area (10 CSR 10-5.380).** MDNR has adopted revisions to the air pollution control rules specific to the St. Louis Metropolitan Area. The amendment revises the inspection requirements for 1996 and newer model year vehicles equipped with on-board diagnostic technology and requires that an improvement in tailpipe emissions be made in order for a compliance waiver to be issued. The revisions apply to (1) vehicles owned or leased by federal agencies, and are primarily operated in the geographical area, but are not required to be registered in the state, and (2) vehicles owned, leased or operated by civilian and military personnel on federal installations located in the geographical area, but are not required to be registered in the state. There is an exemption for personnel whose appointments to federal installations located in the geographical area do not exceed 60 calendar days per year. The final rule was published 1 November 2002. The rule will be submitted to the EPA to replace the current rule in the Missouri SIP. *For further information, please contact Roger Randolph, MDNR, at (573) 751-4817.*

CREO Regional Counsel Comment: Generally, this regulation concerns implementation of a vehicle inspection and maintenance program, in the St. Louis metropolitan area. In addition to regulating private vehicles and commercial vehicles, it also will affect vehicles owned by federal agencies and vehicles owned by civilian and military personnel working at a federal installation. Based on a review by legal and air quality specialists at USAEC, we feel that the regulations pertaining to vehicles owned by federal agencies, as proposed, will be legal and enforceable. However, it is also our interpretation that the proposed regulations pertaining to vehicles owned and operated by civilian and military personnel working at a federal installation in the St. Louis metropolitan area are not enforceable by the state. Alternatively, the installation will itself be responsible for enforcing compliance with the IM program at it applies to personnel. As needed, CREO and USAEC will be available to assist your installation's environmental legal specialist

in responding to the requirements of the IM program. Please feel free to contact the CREO Regional Counsel at (816) 983-3448 if you have additional questions concerning this issue.

STATE OF MISSOURI PROPOSED RULE

(UPDATE) **Generation or Use of Emission Reduction Credits by Permitted Facilities (10 CSR 10-6.060, 10-6.410).** MDNR is proposing an emissions banking and trading rule. The proposed rule creates a program whereby certain installations may generate and use ERCs. An installation is eligible to participate in the program if it (1) emits more than 10 tons per year for a criteria pollutant or its precursors; (2) has an operating permit as specified in 10 CSR 10-6.065; and (3) is located in a nonattainment or maintenance area. After successfully establishing an account with MDNR, a source may generate an ERC by reducing emissions. Participants may then transfer, buy, sell, trade, or otherwise convey ERCs to another account holder. Further, ERCs may be used to offset emissions that are anticipated. A public hearing has been held and the comment period is closed. Staff anticipate the final rule to be effective in March 2003. *For further information, please contact Roger Randolph, MDNR, at (573) 751-4817.*

CREO Regional Counsel Comment: At present, the ERC program will only apply in the St. Louis area (the City of St. Louis, St. Louis County, St. Charles County, Jefferson County, and Franklin County). Unless your installation is a major source of emissions and is located within the St. Louis area, you will not be eligible to participate in the program.

OTHER REGULATORY ACTIVITY

(NEW) **Sugar Creek pH Standards.** MDNR is adding the lower 1.5 miles of Sugar Creek to its list of impaired waters because low pH acid problems persist and acid groundwater continues to seep from the reclaimed areas. Also, acid mine drainage from underground workings continues to affect the tributary draining the Huntsville gob pile. Drainage from the gob pile travels approximately 1 mile down this tributary before entering Sugar Creek. The groundwater recharge of the underground mine voids maintains a steady flow of acid mine drainage largely independent of precipitation. While Sugar Creek dilutes the acid mine drainage for much of the year, dilution is reduced during summer and then water quality in the creek declines. The comment period is closed. *For further information, please contact Darlene Schaben, MDNR, at (573) 751-7428.*

(UPDATE) **Development of TMDLs for Tebo Creek.** MDNR is drafting TMDLs for Tebo Creek: (1) East Fork Tebo Creek, pH; (2) Middle Fork Tebo Creek, sulfates; and (3) West Fork Tebo Creek, sulfates. The waterbodies are impaired as a result of leaking from abandoned mines. Staff expect to have a draft available by January 2003. Field monitoring is currently ongoing. *For further information, please contact Gail Wilson, MDNR, at (573) 526-1535.*

(UPDATE) **Triennial Review of Water Quality Standards.** MDNR is working on a 2001 triennial review of Missouri's WQSs. During the triennial review, amendment of all of the state's WQSs would be considered. The Department is discussing (1) the addition of whole-body contact recreation use to all classified waters in the state; (2) removal of the high flow exemption for fecal coliform bacteria; (3) adoption of the total recoverable method to measure compliance with drinking water standards; (4) adoption of the 1999 EPA ammonia criteria; (5) development of dissolved oxygen standards based on waterbody type; and (6) permitting issues in national outstanding resource waters. The triennial review web site is at http://www.dnr.state.mo.us/wpscd/wpcp/wqstandards/wq_tri_process.htm. The Department may begin scheduling public meetings in December 2002, although staff report that other priorities have taken precedence. *For further information, please contact Chris Zell, MDNR, at (573) 526-1445.*

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NEBRASKA

Legislative/Regulatory Activity

STATE OF NEBRASKA REGULATORY ACTIVITY

(NEW) **Revisions to Public Water Regulations.** NDEQ is discussing rule revisions related to public water systems, interim enhanced surface water treatment, disinfectant and disinfection, filter backwash, lead and copper, public notification and arsenic. Staff report that stakeholder meetings are ongoing and that the Department will hold a hearing after 1 January 2003. *For further information, please contact Joyce Davidson, NDEQ, at (402) 471-0173.*

(NEW) **Implementation of “Predictive Emission Monitoring Systems” (Title 129, Chapter 34).** NDEQ met to assess the request of a third party to implement rules related to Predictive Emission Monitoring Systems. The Predictive Emission Monitoring System will enhance environmental operations by allowing companies to rapidly accomplish complex tasks, such as predicting real-time emissions and optimizing environmental controls. *For further information, please contact Thomas Lamberson, NDEQ, at (402) 471-2186.*

(NEW) **Revisions to Hazardous Waste Management Practices (Title 128).** NDEQ is proposing to revise rules governing hazardous waste management. The proposed rule addresses (1) the definition of solid waste and hazardous waste, (2) the identification and listing of hazardous waste, (3) variances, (4) requirements for recyclable materials and standards for management of specific hazardous wastes and specific types of hazardous waste management facilities, (5) requirements for large quantity generators of hazardous waste, (6) permit requirements, conditions, issuance, termination, renewal and duration, (7) LDRs, (8) standards for owners and operators of hazardous waste treatment, storage and disposal facilities, (9) interim status standards for owners and operators of hazardous waste treatment, storage and disposal facilities, (10) hazardous constituents, (11) the basis for listing hazardous waste, and (12) the classification of permit modifications. A public hearing has been held. *For further information, please contact Thomas Lamberson, NDEQ, at (402) 471-2186.*

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Acronyms and Abbreviations

ACSIM = Assistant Chief of Staff for Installation Management
ADEQ = Arkansas Department of Environmental Quality
USAEC = U.S. Army Environmental Center
AFCEE = U.S. Air Force Center for Environmental Excellence
AFIT = Air Force Institute of Technology
ANSI = American National Standards Institute
APA = American Planning Association
AQCR = Air Quality Control Region
AST = aboveground storage tank
AWMA = Air & Waste Management Association
CAA = Clean Air Act
CADD = computer-aided design and drafting
CAM = compliance assurance monitoring
CAMU = corrective action management unit
CARB = California Air Resources Board
CBT = computer-based training
CCAR = Coordinating Committee for Automotive Repair
C&D = construction and demolition
CERCLA = Comprehensive Environmental Response, Compensation and Liability Act
CESQG = conditionally exempt small-quantity generator
CFC = chlorofluorocarbon
CFR = Code of Federal Regulations
CISWI = commercial and industrial solid waste incinerator
CO = carbon monoxide
CREO = Central Regional Environmental Office
CSR = Code of State Regulations
CTT = closing, transferring and transferred ranges
CWA = Clean Water Act
DAC = Defense Ammunition Center
DENIX = Defense Environmental Network & Information eXchange
DERP = Defense Environmental Restoration Program
DFW = Dallas/Fort Worth
DoD = U.S. Department of Defense
DOE = U.S. Department of Energy
DOT = U.S. Department of Transportation
DRMS = Defense Reutilization and Marketing Service
DSMOA = Defense/State Memorandum of Agreement

EA = environmental assessment
ECAS = Environmental Compliance Assessment System
ECHO = Enforcement and Compliance History Online
ECOS = Environmental Council of the States
EIS = environmental impact statement
EMR = environmental management review
EMS = environmental management system
EO = executive order
EPA = U.S. Environmental Protection Agency
EPAS = Environmental Performance Assessment System
EPCRA = Emergency Planning and Community Right-to-Know Act
ER = environmental restoration
ERC = emission reduction credit
ERTP = Environmental Response Training Program
ETMD = Environmental Training and Management Division
EVR = enhanced vapor recovery
FIFRA = Federal Insecticide, Fungicide and Rodenticide Act
FM = facilities management
FR = Federal Register
FS = feasibility study
FUDS = Formerly Used Defense Sites
FY = fiscal year
GAO = General Accounting Office
GIS = geographic information system
GSA = General Services Administration
HAP = hazardous air pollutant
HAZMAT = hazardous materials
HB = House Bill
HGA = Houston/Galveston Area
HM = hazardous material
HMIRS = Hazardous Materials Information Resource System
HMIWI = hospital/medical/infectious waste incinerator
HQ = headquarters
IAC = Iowa Administrative Code
IDNR = Iowa Department of Natural Resources
I&M = inspection and maintenance
IMI = Installation Management Institute
ISO = International Organization for Standardization
ISR = Installation Status Report
ITRC = Interstate Technology Regulatory Council
KAR = Kansas Administrative Rules
KCMA = Kansas City Metropolitan Area
KDA = Kansas Department of Agriculture
KDHE = Kansas Department of Health and Environment
kW = kilowatt
LAC = Louisiana Administrative Code
LDEQ = Louisiana Department of Environmental Quality
LDR = land disposal restriction
LPDES = Louisiana Pollutant Discharge Elimination System
LPST = leaking petroleum storage tank
LT1 = Long Term 1
LUC = land use controls
LUST = leaking underground storage tank
MACT = maximum achievable control technology
MCL = maximum contaminant level
MDNR = Missouri Department of Natural Resources
MDS = minimum desirable streamflow
MEG = Missouri Environmental Group
mg/L = milligram per liter
mg/yr = megagrams per year

mph = mile per hour
 MP&M = metal products and machinery
 M2R = Military Munitions Rule
 mrem/yr = millirem per year
 MS4 = municipal separate storm sewer system
 MSDS = material safety data sheet
 MSWG = Multi-State Working Group
 MSWLF = municipal solid waste landfill
 MSWTS = municipal solid waste transfer station
 MTBE = methyl tertiary butyl ether
 MVECP = Motor Vehicle and Engine Compliance Program
 NAAQS = National Ambient Air Quality Standard
 NDEQ = Nebraska Department of Environmental Quality
 NDIA = National Defense Industrial Association
 NEPA = National Environmental Policy Act
 NESHAP = National Emission Standards for Hazardous Air Pollutants
 NFPA = National Fire Protection Association
 NGWA = National Ground Water Association
 NHPA = National Historic Preservation Act
 NMAC = New Mexico Administrative Code
 NMED = New Mexico Environment Department
 NOx = nitrogen oxides
 NORM = naturally occurring radioactive material
 NPDES = National Pollutant Discharge Elimination System
 NRC = Nuclear Regulatory Commission
 NREO = Northern Regional Environmental Office
 NSP = new source performance
 NSR = new source review
 OAC = Oklahoma Administrative Code
 ODEQ = Oklahoma Department of Environmental Quality
 OE = ordnance and explosives
 ORVR = onboard refueling vapor recovery
 OSHA = Occupational Safety and Health Administration
 OSPRA = Oil Spill Prevention and Response Act
 OSSF = on-site sewage facility
 P2 = pollution prevention
 PASS = Permit Application Software System
 PBT = persistent bioaccumulative toxin
 PCB = polychlorinated biphenyl
 pCi/L = picocurie per liter
 PEMS = Predictive Emission Monitoring Systems
 P.L. = public law
 PM = particulate matter
 POC = point of contact
 POM = Program Objective Memorandum
 POTW = publicly owned treatment works
 ppb = part per billion
 ppm = part per million
 PSD = prevention of significant deterioration
 PST = petroleum storage tank
 PSTTF = Petroleum Storage Tank Trust Fund
 RACM = reasonably available control measures
 RACT = reasonably available control technology
 RCRA = Resource Conservation and Recovery Act
 REC = Regional Environmental Coordinator
 RFG = reformulated gasoline
 RI = remedial investigation
 ROD = record of decision
 SAME = Society of American Military Engineers
 SB = Senate Bill

SDWA = Safe Drinking Water Act
SDWIS = Safe Drinking Water Information System
SERDP = Strategic Environmental Research and Development Program
SIP = State Implementation Plan
SPCC = Spill Prevention, Control, and Countermeasure
SREO = Southern Regional Environmental Office
TAC = Texas Administrative Code
TBD = to be determined
TCEQ = Texas Commission on Environment Quality
TERP = Texas Emissions Reduction Plan
TIM = Transformation of Installation Management
TMDL = total maximum daily load
TPDES = Texas Pollutant Discharge Elimination System
TRI = Toxics Release Inventory
TRI-DDS = Toxics Release Inventory – Data Delivery System
TRRP = Texas Risk Reduction Program
TSCA = Toxic Substances Control Act
tpy = tons per year
TXEP = Texas Environmental Partnership
UIC = underground injection control
USACE = U.S. Army Corps of Engineers
U.S.C. = United States Code
USFWS = U.S. Fish and Wildlife Service
USGS = U.S. Geological Survey
UST = underground storage tank
UXO = unexploded ordnance
VOC = volatile organic compound
WET = whole effluent toxicity
WMM = waste military munitions
WQBEL = water quality-based effluent limit
WQMP = Water Quality Management Plan
WREO = Western Regional Environmental Office

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